

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANTHONY T. NELSON,

Petitioner,

vs.

E.K. McDANIEL, *et al.*,

Respondents.

3:09-cv-00742-RCJ-VPC

**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

Petitioner has filed a motion to proceed *in forma pauperis*. (Docket #1). Based on the information about petitioner's financial status, the Court finds that the motion to proceed *in forma pauperis* should be granted.

The petition shall now be filed and served on respondents. A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions).

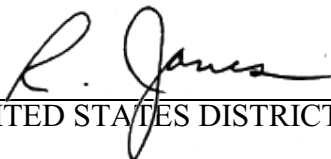
**IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (Docket #1) is **GRANTED**. The Clerk **SHALL FILE** the petition for a writ of habeas corpus.

**IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the petition upon the respondents.

1       **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of  
2 this order within which to answer, or otherwise respond to, the petition. In their answer or other  
3 response, respondents shall address any claims presented by petitioner in his petition. Respondents shall  
4 raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion  
5 and procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,  
6 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the  
7 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**  
8 **five (45) days** from the date of service of the answer to file a reply.

9       **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney General  
10 of the State of Nevada a copy of every pleading, motion, or other document he submits for consideration  
11 by the Court. Petitioner shall include with the original paper submitted for filing a certificate stating the  
12 date that a true and correct copy of the document was mailed to the Attorney General. The Court may  
13 disregard any paper that does not include a certificate of service. After respondents appear in this action,  
14 petitioner shall make such service upon the particular Deputy Attorney General assigned to the case.

15       DATED this 30th day of April, 2010.

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18       UNITED STATES DISTRICT JUDGE  
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